

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

American Hellenic Educational
Progressive Association,

Plaintiff

PicRights Ltd.
PicRights Europe GmbH
Agence France-Presse,

Defendants.

Case No. 1:19-cv-01814-DAP

Plaintiff's Answer to
Defendant's Counterclaims

Plaintiff and Counterclaim Defendant *American Hellenic Educational Progressive Association* ("AHEPA") respectfully submits this Answer to Defendant and Counterclaim Plaintiff *Agence France-Presse's* ("AFP") counterclaims in the above-captioned matter:

Counterclaims Answer

Plaintiff and Counterclaim Defendant AHEPA hereby responds to the allegation(s) contained in each of the numbered paragraphs in the Defendant AFP's counterclaims as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Counterclaim Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegation(s) in Paragraph 5, and thereby denies the allegations contained in Paragraph 5.
6. The allegations of paragraph 6 directly contradict the Defendant's answers to the complaint paragraph 1 and 2. Admitted to the extent of the first sentence, with the remaining allegations DENIED.
7. Counterclaim Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegation(s) in Paragraph 7, and thereby denies the allegations contained in Paragraph 7.
8. Counterclaim Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegation(s) in Paragraph 8, and thereby denies the allegations contained in Paragraph 8.
9. Admitted.
- 10.Denied. The allegations of counterclaim paragraph 10 directly contradict the Defendant's answers to the complaint paragraph 1 and 2.
- 11.Denied.
- 12.Counterclaim Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegation(s) in Paragraph 12, and thereby denies the allegations contained in Paragraph 12.

13. Counterclaim Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegation(s) in Paragraph 13, and thereby denies the allegations contained in Paragraph 13.

14. Counterclaim Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegation(s) with respect to when AFP discovered AHEPA's website, and thereby denies those allegations contained in Paragraph 14. The allegation(s) contained in Paragraph 14 contain legal conclusions to which no response is required. To the extent any response is required, Defendant denies the allegation(s) contained in Paragraph 14. With respect to all other matters in paragraph 14, denied.

15. The allegation(s) contained in Paragraph 15 contain legal conclusions to which no response is required. To the extent any response is required, Defendant denies the allegation(s) contained in Paragraph 15.

16. The allegation(s) contained in Paragraph 16 contain legal conclusions to which no response is required. To the extent any response is required, Defendant denies the allegation(s) contained in Paragraph 16.

17. Admitted to the extent of the first sentence, with the remaining allegations
DENIED.

First Cause of Action
(Copyright Infringement)
17 U.S.C. § 101, et seq.

17. Duplicate paragraph 17 is an incorporation paragraph that does not require a response.

18. Denied.

19. Counterclaim Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegation(s) in Paragraph 19, and thereby denies the allegations contained in Paragraph 19.

20. The allegation(s) contained in Paragraph 20 contain legal conclusions to which no response is required. To the extent any response is required, Defendant denies the allegation(s) contained in Paragraph 20.

21. The allegation(s) contained in Paragraph 21 contain legal conclusions to which no response is required. To the extent any response is required, Defendant denies the allegation(s) contained in Paragraph 21.

22. The allegation(s) contained in Paragraph 22 contain legal conclusions to which no response is required. To the extent any response is required, Defendant denies the allegation(s) contained in Paragraph 22.

Affirmative Defenses

1. Equitable estoppel.
2. Laches.
3. Defendant and Counterclaim Plaintiff AFP has unclean hands.

4. Insufficiency of service, and service of process of the Answer and Counterclaim.
5. Waiver.
6. Defendant and Counterclaim Plaintiff AFP has failed to mitigate damages.
7. Defendant and Counterclaim Plaintiff AFP has suffered no damages.
8. Fair use because the works were used in a manner that was for nonprofit educational purposes, and for the purposes of scholarship and/or news reporting.
9. Innocent infringement.
10. Copyright misuse.
11. Counterclaim defendant's conduct constitutes Fair Use or is otherwise within the exceptions to copyright infringement.

Dated: November 30, 2019

Respectfully Submitted,

/s/John D. Gugliotta

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been served via the court's electronic mailing system on November 30, 2019 to the following:

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